

02/03/98
10556 U.S. PRO

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

ATTORNEYS AT LAW

SUITE 600

1100 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-3934

(202) 371-2600

FACSIMILE: (202) 371-2540; (202) 371-6566

A
Boyle

ROBERT GREENE STERNE
EDWARD J. KESSLER
JORGE A. GOLDSTEIN
SAMUEL L. FOX
DAVID K.S. CORNWELL
ROBERT W. EDMOND
TRACY-GENE G. DURKIN
MICHELE A. CIMBALA
MICHAEL B. RAY
ROBERT E. SOKOHL
ERIC K. STEFFE

MICHAEL Q. LEE
G. KEVIN TOWNSEND*
JOHN M. COVERT*
ANNE BROWN
LINDA E. ALCORN
RAZ E. FLESHNER
ROBERT C. MILLONIG
STEVEN R. LUDWIG
MICHAEL V. MESSINGER
JUDITH U. KIM*

KEITH KIND*
TIMOTHY J. SHEA, JR.*
DONALD R. MCPHAIL
PATRICK E. GARRETT*
BARBARA A. PARVIS
MICHAEL A. RAHMAN*
STEPHEN G. WHITESIDE*
NOEL B. WHITLEY*
RICK A. TOERING*
JEFFREY T. HELVEY*

DONALD J. FEATHERSTONE**
LAWRENCE B. BUGAISKY**
KAREN R. MARKOWICZ**
KIMBERLIN M. TOOHEY**
DUANE S. KOBAYASHI**
GRANT E. REED**

*BAR OTHER THAN D.C.

**REGISTERED PATENT AGENTS

WRITER'S DIRECT NUMBER:

February 3, 1998

INTERNET ADDRESS:
Box Patent Application

Assistant Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Non-Provisional Patent Application under 37 C.F.R. § 1.53(b)
Appl. No. To be assigned; Filed: February 3, 1998
For: **Breast Cancer Specific Gene 1**
Inventors: Hongjun JI and Craig A. ROSEN
Our Ref: 1488.0810003

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. U.S. Utility Patent Application entitled:

Breast Cancer Specific Gene 1

and naming as inventors:

Hongjun JI
Craig A. ROSEN

the application consisting of:

Assistant Commissioner for Patents
February 3, 1998
Page 2

- a. A specification containing:
 - (i) 58 pages of description prior to the claims, including a sequence listing on pages 52 to 58;
 - (ii) 4 pages of claims (15 claims);
 - (iii) a one (1) page abstract;
- b. 4 sheets of drawings: (Figures 1-4); and
- c. A computer readable copy of the sequence listing. In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith in the above application are the same;

2. USPTO Utility Patent Application Transmittal Form PTO/SB/05;
3. 37 C.F.R. § 1.136(a)(3) Authorization to Incorporate a Petition for Extension of Time into a Concurrent or Future Reply in Need of the Same; and
4. Two (2) return postcards.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible. This patent application is being submitted under 37 C.F.R. § 1.53(b) without Declaration and without filing fee.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Kimberlin M. Toohey
Kimberlin M. Toohey
Attorney for Applicants
Registration No. 35,391

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY PATENT APPLICATION
TRANSMITTAL**
(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No. 1488.0810003

First Named Inventor or
Application Identifier JI et al.

Title Breast Cancer Specific Gene 1

Express Mail Label No.

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.
ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)

2. Specification [Total Pages 63]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (*if filed*)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure

3. Drawing(s) (35 USC 113) [Total Sheets 4]

4. Oath or Declaration [Total Sheets]
 a. Newly executed (original or copy)
 b. Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional with Box 17 completed*)
[Note Box 5 below]
 i. **DELETION OF INVENTOR(S)**
 Signed statement attachment deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

5. Incorporation By Reference (*useable if Box 4b is checked*)
 The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. Microfiche Computer Program (*Appendix*)

7. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
 a. Computer Readable Copy
 b. Paper Copy (identical to computer copy)
 c. Statement verifying identity of above copies

8. Assignment Papers (cover sheet & document(s))

9. 37 CFR 3.73(b) Statement Power of Attorney
(where there is an assignee)

10. English Translation Document (*if applicable*)

11. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations

12. Preliminary Amendment

13. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

14. Small Entity Statement(s) Statement filed in prior application, Status still proper and desired

15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. Other: 37 C.F.R. § 1.136(a)(3) Authorization to Treat a Reply as Incorporating an Extension of Time.
 Other: SKG&F Transmittal Letter

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:
 Continuation Divisional Continuation-in-part (CIP) of prior application No.: 08/673,284

ACCOMPANYING APPLICATION PARTS

18. CORRESPONDENCE ADDRESS

 Customer Number
or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or Correspondence
address below

NAME	STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. Attorneys at Law				
ADDRESS	Suite 600, 1100 New York Avenue, N.W.				
CITY	Washington	STATE	DC	ZIP CODE	20005-3934
COUNTRY	USA	TELEPHONE	(202) 371-2600	FAX	(202) 371-2540

NAME (Print/Type)	Kimberlin M. Toohey	Registration No. (Attorney/Agent)	35,391
SIGNATURE	February 3, 1998		

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JI *et al.*

Appl. No. To be assigned

Filed: February 3, 1998

For: **Breast Cancer Specific Gene 1**

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 1488.0810003

**Authorization To Treat A Reply As Incorporating An Extension Of Time
Under 37 C.F.R. § 1.136(a)(3)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this petition is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Kimberlin M. Toohey
Attorney for Applicants
Registration No. 35,391

Date: February 3, 1998

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600